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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,442	07/12/2004	Harry T. Edwards	RAP04 P650A	4441
28101	7590	10/11/2005		
VAN DYKE, GARDNER, LINN AND BURKHART, LLP 2851 CHARLEVOIX DRIVE, S.E. P.O. BOX 888695 GRAND RAPIDS, MI 49588-8695			EXAMINER MATTHEWS, TERRELL HOWARD	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/710,442

Applicant(s)

EDWARDS, HARRY T.

Examiner

Terrell H. Matthews

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/18/05</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claims 1-35 are pending in the instant application

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Objections

Claims 1-35 are objected to, as the form of claims is improper. Where a claim sets forth a plurality of elements or steps, as in the instant claims, each element or step should be separated by a line indentation. See MPEP 608.01(m) and 37 CFR 1.75(i). Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Fowler (GB/2242520).

Referring to claim 1. Fowler discloses an "Article Sortation System" as claimed. See Figs. 1-8C and respective portions of the specification. Cerutti further discloses a screening subsystem (2), a baggage screening device (10), channels (A, B, C, D) feed conveyors (12,14,16,18), and supply conveyor (4) in which the supply conveyor supplies bags only to the screening channels (A, B, C, D) that have no more than a particular number of unscreened bags (See Pg. 6 Para. 2)

Referring to claim 2. Fowler discloses that supply conveyor (4) delivers packages (7) to the feed conveyors (12, 14, 16, 18) with respect to whether or not there is a package (7) already in the channel and discloses that if all the channels are full that the items are recycled (See Pg. 7 Para. 2). It is broadly construed and generally understood that the items are recirculated around on supply conveyor (4) if the channels are full (See Fig. 1).

Referring to claim 5-6. Fowler discloses a diverter (20), which controls orientation of the bag and selectively diverts bags to the appropriate screening subsystem (See Pg. 7 Para. 2). Additionally, Fowler discloses that diverter (20) is swung open and across conveyor (4) to entrain the respective baggage item. It is broadly construed and understood from Fig. 1 and respective portions of the specification that the diverter (20) is a powered diverter as the diverter (20) is opened and closed automatically with respect to whether or not a package is in the respective channel.

Referring to claim 7-9. Fowler discloses a sortation conveyor network (8) downstream of the screening device for sorting bag as a function of the screening of the bags. Fowler further discloses that bags that are not cleared by the screening device are directed to a secondary screening function (8). Additionally, Fowler discloses that bags that are not cleared by the screening device are further sorted to a manual inspection station (See Pg. 6 Para. 1).

Referring to claim 12. Fowler disclose that packages (7) are fed from the supply conveyor (4) to the circulating belt of feed conveyors (12, 14, 16, 18) and additionally discloses that packages are recycled if all the feed channels are temporarily full (See Pg. 7 Para. 2).

Referring to claim 13. Fowler discloses that the bags are constantly traveling while on the supply conveyor and the feed conveyor. Fowler discloses that the supply conveyor is in continuous motion since it recirculates the packages and that feed conveyors comprise circulating belts.

Referring to claims 22-25, 28-32, 35. With respect to claims 22-25,28-32, 35 the method described in these claims would inherently result from the use of Fowlers "Explosive detector" invention as advanced above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fowler.

Referring to claim 3-4. Fowler discloses the invention as described above. Fowler further discloses that after the package comes off supply conveyor (4) it is selected for a channel (A, B, C, D) to be screened and that it passes over rollers (22) before preceding to it's respective feed conveyor (12, 14, 16, 18). Fowler does not disclose that the supply conveyor is at a second speed that is greater than the first speed of the feed conveyor or that the feed conveyor includes a deceleration conveyor. It is broadly construed and understood that feed conveyors (12, 14, 16, 18) or at a speed that is slower than supply conveyor (4) so that items are moving at a relatively slow pace when they are subjected to the baggage screening device and subsequently x-rayed. It would have been obvious to a person of ordinary skill in the art to modify the apparatus of Fowler so that the feed conveyor included a deceleration conveyor to slow down the items from the supply conveyor so that items could be moving at a relatively slow pace when they were subjected to the screening device and x-rayed.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fowler in view of Affaticati (5588520).

Referring to claim 10. Fowler discloses the invention as described above. Fowler does not disclose the sortation conveyor network including a buffer for buffering bags at

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the secondary screening function. Affaticati discloses a "Crossbelt Sortation System" as claimed. See Figs. 1-23 and respective portions of the specification. Affaticati further discloses a buffer belt (62b) that retains items until the appropriate time to discharge the items. It would have been obvious to a person of ordinary skill in the art to modify the apparatus of Fowler to include a buffer as taught by Affaticati so that items could be temporarily halted at a point as a sign for packages needing additional screening or so that they could be picked up for manual inspection.

Referring to claim 11. Fowler discloses the invention as described above. Fowler further discloses the inspection apparatus comprising an x-ray inspection chamber (26), an x-ray radiography unit (40), and a neutron radiography chamber (42). Fowler discloses as well that items that do not pass the first inspection or re-routed to conveyor (8) which delivers them to a designated location for closer examination. Fowler does not disclose that the secondary screening function uses images of bags captured by said screen device. However, it would have been obvious to a person of ordinary skill in the art to modify the apparatus of Fowler so that the secondary bag screening function used images of bags captured by screen device. This would have been done so that the bags could be examined more closely so that hazardous materials or weapons could be found. It should be noted that the secondary screening function could use x-rays as images taken from the initial screening.

Referring to claim 14. Fowler discloses an "Article Sortation System" as claimed. See Figs. 1-8C and respective portions of the specification. Fowler further discloses a screening subsystem (2), a baggage screening device (10), channels (A, B, C, D) feed

conveyors (12,14,16,18), and supply conveyor (4) in which the supply conveyor supplies bags only to the screening channels (A, B, C, D) that have no more than a particular number of unscreened bags (See Pg. 6 Para. 2). Additionally, Fowler discloses that the packages (7) are sorted based on their inspection results to either conveyor (6 or 8). Fowler does not disclose that the feed conveyor comprises a deceleration conveyor for decreasing speeds of bags being supplied to the screen device. Fowler does disclose rollers (22) that are placed ahead of the feed conveyor (12) that slow the item down as well as that the items are x-rayed by the inspection unit after being placed on the feed conveyors. Therefore, it would have been obvious to a person of ordinary skill in the art to modify the apparatus of Fowler to include a deceleration conveyor as part of the feed conveyor so that items could be slowed down for better results from subsequent inspection processes.

Referring to claims 15-17. Fowler discloses a sortation conveyor network (8) downstream of the screening device for sorting bag as a function of the screening of the bags. Fowler further discloses that bags that are not cleared by the screening device are directed to a secondary screening function (8). Additionally, Fowler discloses that bags that are not cleared by the screening device are further sorted to a manual inspection station (See Pg. 6 Para. 1).

Referring to claim 18. Fowler discloses the invention as described above. Fowler further discloses the inspection apparatus comprising an x-ray inspection chamber (26), an x-ray radiography unit (40), and a neutron radiography chamber (42). Fowler discloses as well that items that do not pass the first inspection or re-routed to conveyor

(8) which delivers them to a designated location for closer examination. Fowler does not disclose that the secondary screening function uses images of bags captured by said screen device. However, it would have been obvious to a person of ordinary skill in the art to modify the apparatus of Fowler so that the secondary bag screening function used images of bags captured by screen device. This would have been done so that the bags could be examined more closely so that hazardous materials or weapons could be found. It should be noted that the secondary screening function could use x-rays as images taken from the initial screening.

Referring to claim 19. Fowler disclose that packages (7) are fed from the supply conveyor (4) to the circulating belt of feed conveyors (12, 14, 16, 18) and additionally discloses that packages are recycled if all the feed channels are temporarily full (See Pg. 7 Para. 2).

Referring to claim 20. Fowler discloses that the bags are constantly traveling while on the supply conveyor and the feed conveyor. Fowler discloses that the supply conveyor is in continuous motion since it recirculates the packages and that feed conveyors comprise circulating belts.

Referring to claim 21. Fowler discloses that the inspection apparatus (10) is shielded in enclosure (2). It is understood from Fig. 1 & 2 that the x-ray radiography unit (40) and the neutron radiography unit (56) are mounted substantially above the floor level.

Referring to claims 26-27, 33-34. With respect to claims 26-27, 33-34 the method described in these claims would inherently result from the use of Fowlers "Explosive

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detector" invention in view of Affaticati "Crossebelt Sortation System" invention as advanced above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Crandall U.S. Patent No. 5427227 discloses a "Baggage Conveyor System" comprising of a supply conveyor, a feed conveyor, and a recirculation line.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrell H. Matthews whose telephone number is (571)272-5929. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

THM


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